

Such amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole;

All points of order against such amendments en bloc are waived;

The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc;

The additional amendments specified in this order are as follows:

An amendment by Mr. NADLER striking language on sodium-iodide;

An amendment by Mr. GORDON regarding funding limitation on energy efficiency in Federal buildings;

An amendment by Mr. OBEY regarding funding levels and tax cuts;

An amendment by Mr. DOOLITTLE regarding funding limitation on expedited removal;

An amendment by Mr. CAMPBELL of California regarding funding limitations on 642(a) of the IIIRA;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on DHS closures in Texas;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on termination of FEMA financial assistance;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on lawsuits against FEMA;

An amendment by Mr. MARKEY regarding funding limitation on air cargo security;

An amendment by Mr. FILNER regarding funding limitation on USIA grants;

An amendment by Mr. DEAL of Georgia regarding funding limitation on birthright citizenship;

An amendment by Mr. POE regarding funding limitation on Western Hemisphere Travel Initiative;

An amendment by Mr. ENGEL regarding funding limitation on alternative fuel vehicles;

An amendment by Mr. TANCREDO regarding funding limitation on temporary protective status for certain Central Americans;

An amendment by Mr. KINGSTON regarding funding limitation on volunteer surveillance on the border;

An amendment by Mr. GARRETT of New Jersey regarding funding limitation on adult entertainment, clown and puppet shows, and other activities;

An amendment by Mr. PICKERING regarding funding limitation on certain FEMA contracts;

An amendment by Mr. TANCREDO regarding funding limitation on diversity visa program;

An amendment by Ms. FOXX regarding funding limitation on Louis Vuitton handbags;

An amendment by Mr. BISHOP of New York regarding funding limitation on reimbursement of attorneys fees;

An amendment by Ms. BERKLEY regarding funding limitation on threat assessments related to certain populations;

An amendment by Mr. MICA regarding funding limitation on personnel at opt-out airports;

An amendment by Mr. TIERNEY regarding funding limitation on LNG;

An amendment by Mr. CULBERSON regarding funding limitation on CIS benefits and background checks;

An amendment by Mr. KUHL of New York regarding limousine service and fire protection funding; and

An amendment or amendments by Mr. ROGERS of Kentucky regarding funding levels.

Each additional amendment may be offered only by the Member named in this request or a designee, except as otherwise specified, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Homeland Security each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each additional amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

□ 2030

Mr. OBEY. Mr. Speaker, reserving the right to object, I was simply confused by one thing the gentleman said. It was my understanding that the agreement would reflect an understanding that the last vote would begin around 10 o'clock. I thought I heard the gentleman say that, under this motion, the last debate would conclude at 10 o'clock.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, my understanding from the majority leader's office is that the votes would be concluded by that time.

Mr. OBEY. Mr. Speaker, I withdraw my reservation with the notation to Members it would be helpful if they would get here to the floor so we can dispose of as many amendments tonight as possible so that we have as few amendments as possible left when we return after the recess, because we do have a lot of other bills we need to get done. I thank the gentleman for helping to work this out.

Mr. SABO. If the gentleman would yield, visiting with Ms. JACKSON-LEE, I think she only has one amendment left that she wants offered, and I think there are three on the list.

Mr. ROGERS of Kentucky. If the gentleman would yield, her rights are protected. She does not have to offer it.

Mr. SABO. She will only offer one.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 2, 2006, TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, June 2, 2006, to file a privileged report, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 5, 2006, TO FILE PRIVILEGED REPORT ON FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, June 5, 2006, to file a privileged report, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5254, REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109-482) on the resolution (H. Res. 842) providing for consideration of the bill (H.R. 5254) to set schedules for the consideration of permits for refineries, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 836 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5441.

□ 2035

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Louisiana (Mr. JINDAL) had been disposed of.

Pursuant to the order of the House of today, no further amendments to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, \$33,885,000.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,662,891,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$569,000: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$198,980,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$128,588,000, which shall be available as follows: (1) not to exceed \$38,230,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed \$90,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected pursuant to section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), to remain available until September 30, 2008, including up to \$31,000,000 for flood mitigation expenses under section 1366 of such Act (42 U.S.C.

4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2008: *Provided*, That in fiscal year 2007, no funds shall be available from the National Flood Insurance Fund in excess of: (1) \$70,000,000 for operating expenses; (2) \$692,999,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$50,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of such Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of such Act (42 U.S.C. 4030), which shall remain available until expended: *Provided further*, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), \$31,000,000, to remain available until September 30, 2008, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$31,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), \$100,000,000, to remain available until expended: *Provided*, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further*, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$151,470,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$161,990,000: *Provided*, That \$47,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a strategic transformation plan for United States Citizenship and Immigration Services that has been reviewed and approved by the Secretary of Homeland Security and reviewed by the Government Accountability Office.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to

use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$210,507,000, of which up to \$43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2008; of which \$300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed \$12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note) is amended by striking “5 years after the date of the enactment of this Act” and inserting “December 31, 2009”, and by striking “250” and inserting “350”.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$42,246,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$180,901,000: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses: *Provided further*, That of the amounts made available under this heading, \$98,000,000 may not be obligated until the Under Secretary submits a detailed expenditure plan for fiscal year 2007 programs and operations to the Committees on Appropriations of the Senate and the House of Representatives.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); and the purchase or lease of not to exceed 5 vehicles, \$775,370,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, \$400,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a report prepared by the Under Secretary that describes Science and Technology's progress to address financial management deficiencies; improve its management controls; and implement performance measures and evaluations.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 42, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order to that portion of the bill?

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I raise a point of order against the phrase beginning with the comma on page 38, line 11, through "funds" on line 14.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of the House rules.

The CHAIRMAN. Are there any Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill. The Clerk will read.

The Clerk read as follows:

DOMESTIC NUCLEAR DETECTION OFFICE

For necessary expenses of the Domestic Nuclear Detection Office, including nuclear detection research, development, testing and evaluation, acquisition, operations, management and administration, \$500,000,000, to remain available until expended, of which not to exceed \$178,000,000 shall be for the purchase and deployment of radiation detection equipment in accordance with the global nuclear detection architecture; and of which not to exceed \$85,200,000 shall be for radiological and nuclear transformational research and development; and of which not to exceed \$30,468,000 shall be for the management and administration of these programs and activities: *Provided*, That no funds provided in this Act shall be used to create a Sodium-Iodide Manufacturing Program until the Office demonstrates that Advanced Spectroscopic Portal monitors will significantly speed commerce, reduce the costs of secondary inspection, or significantly increase sensitivity over current generation Radiation Portal Monitors.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

Page 42, line 24, through page 43, line 5, strike "": *Provided*, and all that follows through "Radiation Portal Monitors."

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to ensure the rapid deploy-

ment of the "next generation" Radiation Portal Monitors at our Nation's ports. This bill prohibits the agency from spending funds on this critical port security program. My amendment would strike that prohibition.

Earlier this month the House passed the SAFE Port Act to enhance security at United States ports. During consideration of that bill, I tried to offer an amendment to require that every single container be scanned for radiation and density before it is loaded onto a ship bound for the United States. The Republican leadership opposed that effort. One of the main claims made by my friends on the other side of the aisle was that the technology did not exist to adequately scan containers and that current radiation portal monitors create too many false alarms.

Imagine my surprise to discover that the Domestic Nuclear Detection Office at the Department of Homeland Security has, in fact, already developed the "next generation" Radiation Portal Monitors. These new Advanced Spectroscopic Portal, ASP, monitors use sodium-iodide crystals to detect the unique signature of materials inside a container. They give us more accurate information about what is in the box. They can tell us exactly what is causing the radiation alarm to go off, whether it is a false alarm or not. Port security officials can know if radiation is coming from kitty litter or from construction material or from a real threat, and they will not have to shut down the entire port of New York or Long Beach whenever an alarm goes off.

But there is a catch. Only one company, a French company, currently produces sodium-iodide crystals. So DHS plans to spend about \$20 million to encourage more companies to increase domestic production of these crystals. This makes perfect sense. DHS needs to do this to assure that full-scale production of ASP monitors can begin next year and to get them installed at our ports as quickly as possible, and we should not be beholden in any event to one foreign company for a product that is so critical to our national security.

Shockingly, however, this bill contains language prohibiting DHS from taking steps to increase the domestic production of sodium-iodide crystals until the agency can prove that ASP monitors meet certain criteria, certain extraneous criteria. This delay makes no sense.

The Republicans in particular should love these ASP monitors. They were developed by the Bush administration. They reduce false alarms. And if they are really concerned about the cost of these scanners, they should support increasing domestic production of sodium-iodide crystals so that the one French company that makes this material cannot control the cost.

We are, after all, at war with the terrorists. We have serious loopholes in our port security system, and we know

that terrorists could use shipping containers to bring nuclear bombs into American cities. We must act with urgency to get better container scanning equipment in place, and we must stop creating roadblocks to scanning the containers.

Democrats have consistently supported scanning every container to make sure that terrorists do not use them to bring nuclear bombs into American cities. We have tried on several occasions to force the Bush administration and the Republicans in Congress to scan every container. The Republicans claim the technology didn't exist. That is untrue. DHS now says they have the technology. This provision that my amendment would eliminate would stop DHS from deploying the best container scanning equipment to port security officials around the country.

We must not tolerate and we must not create any delays in protecting the American people from a terrorist attack. So I urge my colleagues to vote for this amendment that would permit the spending of the money to deploy the sodium-iodide crystals and the scanning equipment so that we can get this container scanning equipment to our ports as fast as possible.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

I, too, am a great proponent of the Domestic Nuclear Detection Office and believe we need to get the best radiation detection systems to our borders as quickly as possible.

That said, I still believe money should be spent wisely. GAO points out that there is no evidence the Advanced Spectroscopic Portal Monitors are any better than the RPMs going into place today, but they cost four times as much. If the less expensive RPMs work just as well, let us buy them. However, I understand DNDO is completing a cost-benefit analysis that will tell us if the investment in the more expensive ASP systems is wise. If they are a wise investment, this provision will harm no one. If they are a poor investment, it will slow down the crystal production program, and it should. Just because we like a program does not mean that we should not provide sound oversight or to waste taxpayers' dollars.

I urge Members to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from New York has 1 minute remaining.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment does not require DHS to deploy this equipment. If it is not better, I wonder why we spend half a billion dollars developing it. This lets the DHS make the decision. If they decide this equipment is better, they can deploy it. If they decide it is not better, they do not have to.

All this says is that we are not going to put language in the bill that will prevent DHS from using its own judgment to deploy it until they can demonstrate that it would significantly speed commerce and do various other things. If this will significantly improve the protection of our people, we ought to deploy it, but my amendment would leave that decision to the Bush administration.

Do they not trust the Bush administration to make the best decision on this? Why should we tie their hands? That is what this amendment says.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: *Provided*, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2007 from appropriations for salaries and expenses for fiscal year 2007 in this Act shall remain available through September 30, 2008, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.

SEC. 506. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 507. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security

notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: *Provided*, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: *Provided further*, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 435b(c)) and the entity selected under section 3001(b) of such Act has reported to the Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House

of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108-334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a detailed plan that describes (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. None of the funds appropriated by this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SEC. 517. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 518. The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

SEC. 519. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided*, That TSA shall report air cargo inspection statistics quarterly to the Committee on Appropriations of the House of Representatives, by airport and air carrier, within 45 days after the end of the quarter: *Provided further*, That the appropriation for "Aviation Security" in this Act is reduced by \$100,000 for each day beyond such deadline that such quarterly report is not provided.

SEC. 520. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility.

SEC. 521. (a) RESCISSION.—From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement (House Report 109-241) accompanying Public Law 109-90 for the Fast Response Cutter, the service life extension program of the current 110-foot Island Class patrol boat fleet, and accelerated design and production of the Fast Response Cutter, \$79,347,002 are rescinded.

(b) ADDITIONAL APPROPRIATION.—For necessary expenses of the United States Coast Guard for "Acquisition, Construction, and Improvements", there is appropriated an additional \$79,347,002, to remain available until September 30, 2009, for the service life extension program of the current 110-foot Island Class patrol boat fleet and the acquisition of traditional patrol boats ("parent craft").

SEC. 522. None of the funds made available in this Act may be used by any person other than the privacy officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to the Congress of any report prepared pursuant to paragraph (6) of such section.

SEC. 523. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar or like capacity, who has not received COTR training.

SEC. 524. Except as provided in section 4494 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security" and "Administration" for fiscal years 2004, 2005, and 2006 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems: *Provided*, That these funds shall be subject to section 503 of this Act.

SEC. 525. Using funds made available in this Act, and within 60 days of enactment of this Act, the Secretary of the Department of Homeland Security shall revise DHS MD 11056 to include the following: (1) that information that is three years old and not incorporated in a current, active transportation security directive or security plan shall be determined automatically to be releaseable unless, for each specific document, the Secretary makes a written determination that identifies a compelling reason why the information must remain SSI; (2) incorporation of common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI

marking; and (3) that in all judicial proceedings where the judge overseeing the proceeding has adjudicated that a party needs to have access to SSI information, the party shall be deemed a DHS Covered Person for purposes of access to the SSI information at issue in the case unless TSA or DHS demonstrates a compelling reason why the specific individual presents a risk of harm to the nation.

SEC. 526. The Department of Homeland Security Working Capital Fund, established, pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2007.

SEC. 527. RESCISSION.—Of the unobligated balances from prior year appropriations made available for the "Counterterrorism Fund", \$16,000,000 are rescinded.

SEC. 528. The weekly report required by Public Law 109-62 detailing the allocation and obligation of funds for "Disaster Relief" shall include: (1) detailed information on each allocation, obligation, or expenditure that totals more than \$50,000,000, categorized by increments of not larger than \$50,000,000; (2) the amount of credit card purchases by agency and mission assignment; (3) obligations, allocations, and expenditures, categorized by agency, by State, for New Orleans, and by purpose and mission assignment; (4) status of the Disaster Relief Fund; and (5) specific reasons for all waivers granted and a description of each waiver: *Provided*, That the detailed information required by paragraph (1) shall include the purpose of each allocation, obligation, or expenditure; whether the work will be performed by a governmental agency or a contractor; and, if the work is to be performed by a contractor, the name of the contractor, the type of contract, and whether the contract is sole-source, full and open competition, or limited competition.

SEC. 529. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget execution report that sets forth the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date costs, and year end unexpended obligations, of the Department of Homeland Security: *Provided*, That such information shall be provided for each Departmental component and the Working Capital Fund at the level of detail shown in the table of detailed funding recommendations displayed at the end of the report accompanying this Act.

SEC. 530. (a) UNITED STATES SECRET SERVICE USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.—During fiscal years 2007 through 2009, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the "Secret Service") that is necessary for the detection and prosecution of crimes against the United States—

(1) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to sections 1341 and 3324 of title 31, United States Code, section 8141 of title 40, United States Code, sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22), and

sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C 254(a) and 255);

(2) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used to establish or to acquire proprietary corporations or business entities as part of such undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31, United States Code;

(3) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18, and section 3302 of title 31, United States Code; and

(4) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31, United States Code.

(b) WRITTEN CERTIFICATION.—The authority set forth in subsection (a) may be exercised only upon the written certification of the Director of the Secret Service or designee that any action authorized by any paragraph of such subsection is necessary for the conduct of an undercover investigative operation. Such certification shall continue in effect for the duration of such operation, without regard to fiscal years.

(c) DEPOSIT OF PROCEEDS IN TREASURY.—As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) REPORTING AND DEPOSIT OF PROCEEDS UPON DISPOSITION OF CERTAIN BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover investigative operation under paragraph (2) of subsection (a) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director or designee determines is practicable, shall report the circumstance to the Secretary of Homeland Security. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(e) FINANCIAL AUDITS AND REPORTS.—

(1) The Secret Service shall conduct detailed financial audits of closed undercover investigative operations for which a written certification was made pursuant to subsection (b) on a quarterly basis and shall report the results of the audits in writing to the Secretary of Homeland Security.

(2) The Secretary of Homeland Security shall annually submit to the Committees on Appropriations of the Senate and House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a summary of such audits.

SEC. 531. The Director of the Domestic Nuclear Detection Office shall operate extramural and intramural research, development, demonstrations, testing and evaluation programs so as to distribute funding through grants, cooperative agreements, other transactions and contracts.

SEC. 532. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and

Cosmetic Act) from importing a prescription drug that complies with sections 501, 502, and 505 of such Act.

SEC. 533. From the unobligated balances of Transportation Security Administration "Aviation Security" and "Headquarters Administration", \$4,776,000 are rescinded.

SEC. 534. Notwithstanding the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Army Corps of Engineers may use Lot 19, Block 1 of the Meadowview Acres Addition and Lot 8, Block 5 of the Meadowview Acres Addition in Augusta, Kansas, for building portions of the flood-control levee.

SEC. 535. Notwithstanding any time limitation established for a grant awarded under title I, chapter 6, Public Law 106-31, in the item relating to Federal Emergency Management Agency—Disaster Assistance for Unmet Needs, the City of Cuero, Texas, may use funds received under such grant program until June 30, 2007.

SEC. 536. (a) Not later than six months after the date of enactment of this Act, the Secretary of Homeland Security shall hereafter issue interim final regulations that establish homeland security requirements, including minimum standards and required submission of facility security plans to the Secretary, for chemical facilities that the Secretary determines present the greatest security risk and that are not currently regulated under Federal law for homeland security purposes.

(b) Interim regulations under this section shall apply to a chemical facility until the effective date of final regulations issued under other laws by the Secretary, that establish requirements and standards referred to in subsection (a) that apply with respect to that facility.

(c) Any person that violates an interim regulation issued under this section shall be liable for a civil penalty under section 70117 of title 46, United States Code.

□ 2045

POINT OF ORDER

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I raise a point of order against section 536.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I raise a point of order against section 536, page 62, lines 1 through 17. This provision violates House rule XXI, clause 2, which prohibits legislation in a general appropriations bill.

Section 536 requires the Department of Homeland Security to issue security requirements for chemical facilities that the Department deems highest risk within 6 months of enactment of the bill. This constitutes legislation on an appropriations bill and is therefore in violation of clause 2, rule XXI.

The Committee on Homeland Security is actively engaged in developing comprehensive legislation to address the issue of chemical site security, and section 536 would undermine the committee's efforts to provide common-sense risk-based solutions to the problem.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. SABO. Mr. Chairman, I am sorry that the point of order is raised. This

provision does not undercut the ability of the committee to act. As a matter of fact, it encourages them to act. We have waited for years without any action on giving the Secretary the power to regulate some chemical facilities in this country that are prime targets for terrorists.

Mr. Chairman, I have to concede that this is legislation in an appropriations bill. I would hope that the authorizing committees can pass legislation to deal with this real problem. I just hope a year from now when somebody else stands in this chair, we don't have another similar amendment because the authorizing committees in the House and the Senate have failed to act again.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The Chair finds that this section includes language imparting direction. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds in this Act shall be used to recruit, hire, or employ non-screener personnel into the Transportation Security Administration's Federal Security Director office at each airport participating in the security partnership program under section 44920 of title 49, United States Code, whose job title and job description would duplicate those of nonscreener personnel employed by the screening company that is under contract with the Transportation Security Administration to provide security screening services at the airport.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that we have made great progress on this important bill dealing with homeland security which is so essential for our Nation, particularly at this time in history and the challenges that we face.

The amendment that I am proposing tonight is a simple limit on some of the funding for non-screener Transportation Security Administration personnel, that is, TSA administrative personnel. What we would like to do is put some limits on those positions in some of the airports that are participating in our Screening Partnership Program.

We have had five demonstration projects in airports in varying sizes

across the country, and we have had private screening companies under Federal supervision. Unfortunately, what has happened is we have an additional layer of bureaucracy imposed by TSA and duplicate positions of the private screening companies.

For example, and I will submit for the RECORD a complete list of these numbers of personnel, but in Sioux Falls, South Dakota, we have 18 administrative personnel; in Kansas City we have some 39; in San Francisco, 42; and in Rochester, New York, 18.

Now, it is important that we do have TSA management, we have TSA oversight, we have TSA controlling these programs. But the duplicative administrative costs and burden is what this amendment deals with. Most of these positions are in excess of \$100,000.

We can save money, we can put more people on line in screening positions and cut some of the administrative costs out.

Mr. Chairman, that is the purpose of the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I think the gentleman has offered a very fine amendment, and I would like to say that the committee accepts it.

Mr. MICA. Mr. Chairman, I thank the gentleman. I appreciate his staff and the subcommittee working with us. I think this will make us run better, more cost-effective, put more people online and less people in the TSA bureaucracy that has been created.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does anyone claim the time in opposition?

Mr. MICA. I yield back the balance of my time, and urge approval of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available in this Act may be used by the Department of Homeland Security prior to December 31, 2006, to terminate financial assistance for housing authorized by section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to any Hurricane Katrina evacuee, who previously has been determined by the Federal Emergency Management Agency to be eligible to receive such assistance.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is one of America's Achilles' heels, because it concerns the most catastrophic, tragic, natural disaster that we have faced in America. Although no one denies the horrific nature of 9/11, certainly we will be reminded through the centuries of Hurricane Katrina. So I bring this amendment simply to bring attention to the vast numbers of Katrina survivors and evacuees who will soon be left ineligible for any resources at all.

My amendment specifically indicates that no funds can be used to terminate financial assistance for housing authorized by section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Let me share with you the words of one of our pastors in Houston, one of the cities that has felt the major impact of evacuees. We do consider them our neighbors, our brothers and sisters, and we are in no way burdened by their presence. But we think it is important for America to understand, as Pastor D.Z. Coffield said, "This is not a sprint, my friends, it is a marathon," and it really is a test case for the United States for its security, for its response to natural disaster.

We realize that we failed in the initial recovery. We failed in being prepared. We failed in having pre-deployment of resources and personnel. We only have to look at the stories of the Superdome; we only have to look at the stories of bodies floating in water to realize we failed.

But now in the city of Houston and around America, there are some 12,000 who are still in need. The extent of the evacuees' needs is shown in a March survey of housing voucher recipients conducted for the city by Zogby International.

□ 2100

It showed that more than half of the evacuees surveyed earned less than \$15,000 a year. Most are women with school-aged children, and 58 percent want to remain in Houston.

Only 15 percent have found jobs. Almost half have no health insurance. Separately, each of these things might be an obstacle when receiving settlers from another community, but en masse they pose stunning challenges for the host city, the Zogby report said.

This falls, I am sure, in cities throughout America. And this simple amendment simply exposes the problem and asks FEMA to begin to work to solve the problem. Now let me first of all acknowledge that they are working on this problem.

I do want to acknowledge the Deputy Secretary of Homeland Security and the director of FEMA, the acting director, for their sensitivity to this issue. But I thought it was important for my colleagues to understand that there is a need, that FEMA does need the resources to extend this relief for those individuals who are still in a host city.

And it is important for this legislation that oversees FEMA to understand that no funds should be utilized to hinder FEMA from protecting these evacuees.

We are in the process, I hope, of a successful pathway to assisting them. We are in the process of establishing a task force that can look and each and every one of these who have been eligible before but may be ineligible now.

I do not see how, in one of the most catastrophic disasters that we have ever had, that we should cut off the very lifeline of these remaining evacuees in the host city. Many of them may be senior citizens. Many of them may be single parents with children who are homebound. Many of them may be disabled or, at this point in time, unable in this market to find a job.

This is the substance by which they survive for housing and for other support services that they might need. The only way that the social service system can address this is for them to have a place to live.

Otherwise, they fall upon the social service system in the host city to the extent that they become homeless. I know that our county and city officials have been doing everything that they can. I hope that this will urge FEMA to move more quickly and that we can work together to ensure that these evacuees are not left without any hope and any basis, if you will, of surviving.

So I ask my colleagues to support this amendment. I certainly hope that the point of order would be withdrawn.

Mr. Chairman, this amendment is intended to ensure that FEMA does not terminate the financial housing assistance received by Hurricane Katrina evacuees in Harris County prior to December 31, 2006. FEMA previously announced its intention to terminate such direct financial assistance effective June 30, 2006.

In particular, this amendment limits the ability of the Department of Homeland Security to terminate financial assistance for housing authorized by section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to any Hurricane Katrina evacuee located in Harris County, Texas, who previously has been determined by the Federal Emergency Management Agency to be eligible to receive such assistance.

Houston arranged for housing for approximately 34,000 households immediately following Hurricane Katrina. The overwhelming majority of these households were African American, retired or working poor, and from areas of New Orleans that were flooded and damaged.

FEMA has decided that one-fourth of Houston's voucher households, representing 20,000 people, are ineligible for further assistance.

FEMA should not punish the evacuees for its own administrative flubs: FEMA issues multiple validated FEMA identification numbers; FEMA encouraged households to split up in an effort to encourage use of available apartment units.

I urge my colleagues to support this amendment.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Does anyone claim the 5 minutes in opposition?

Mr. ROGERS of Kentucky. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I am opposed. FEMA is transitioning all apartment residents from apartments paid for under the emergency protective measures under the Stafford Act to the Individual and Households Assistance Program.

Under the Stafford Act, apartment coverage is provided only during the emergency period; 20,000 evacuees in Houston have already been successfully transitioned from the apartments to the Individual and Households Program which offers cash assistance; 5,000 evacuees are still in apartments in Houston. This remaining group of 5,000 Katrina victims will be eligible for up to 18 months or \$26,200 of assistance, whichever threshold is met first.

FEMA is working with those not eligible for cash assistance and is helping them find more appropriate housing solutions, either through FEMA, HUD or other agency volunteer agency resources. No one is being thrown out.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. TANCREDO:

Page 62, after line 17, insert the following: SEC. 537. None of the funds made available by this Act may be used to administer any extension of designation made under section 244(b) of the Immigration and Nationality Act before the date of the enactment of this Act with respect to Guatemala, Honduras, or Nicaragua.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, my amendment would prevent the recent extensions of temporary protective status designation for Guatemala, Honduras and Nicaragua.

Mr. Chairman, I have strong concerns regarding a pattern of abuse of the Temporary Protective Status Program. Congress has granted formerly the Attorney General and now the Secretary of Homeland Security the authority to grant temporary refugee to aliens, usually illegal aliens, from particular countries under temporary protected status. If there is an ongoing armed conflict in the country and the return of nationals would pose a threat to their security or if there has been a natural disaster in the country resulting in a substantial but temporary disruption of living conditions, TPS status can be granted.

It has become all too apparent that the administration is utilizing TPS as a de facto amnesty for illegal aliens from certain Central American countries. For instance, TPS status was granted to Honduran and Nicaraguan nationals at the end of 1998 following Hurricane Mitch.

The administration recently extended TPS for the sixth time. Temporary dislocations caused by Hurricane Mitch have long since ended.

TPS status for Salvadoran nationals was granted early in 2001 as a result of earthquakes hitting the region. The administration has extended TPS now four times, again, long after any temporary dislocations caused by earthquakes have ended.

These extensions cover approximately 225,000 Salvadorians, 75,000 Hondurans and 4,000 Nicaraguans. Last December, several Members including Chairman SENSENBRENNER urged the administration to reject Guatemala's request for yet another extension of TPS for its nationals present in the United States. The administration ignored this reasonable request.

To be clear, I am not opposed to having the ability to grant TPS, but I hope you will support my amendment to defund these specific abuses of this important designation tool, which is meant to serve important legitimate temporary needs, not act as a rolling amnesty.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I am in opposition. I completely agree with gentleman that the Department should work to determine whether TPS status remains relevant for many who come from the countries that no longer fit the original purpose of TPS.

Clearly, many could return without the fear for physical safety that justified the TPS designation in the first place. However, we are talking about hundreds of thousands of Central Americans who live and work here, and who have been here for some time.

It may not be appropriate to suddenly change their status in a way that

will generate significant confusion in communities and suddenly create large populations who are out of immigration status, and thus the subject for enforcement actions by DHS and the Department of Justice.

I fully understand the gentleman's concerns and agree that there should be a permanent resolution of the TPS situation. But that is a matter for authorizers, and those who can plan a smooth, manageable transition. What the gentleman proposes would be disruptive and burden our already stressed immigration enforcement agencies and should be handled by the authorizing committee.

So I ask our colleagues to reject this amendment.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Minnesota.

Mr. SABO. I thank the chairman for his comments. I would share his opinion and ask for a "no" vote on this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield back the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, if we do nothing, these extensions of TPS designations will expire September 9, 2007 for El Salvador, Honduras, July 5, and Nicaragua at the same time.

It is interesting to note that the countries of El Salvador and Nicaragua are presently advertising on their Web sites for tourism, encouraging people to come to the countries, of course, because there is nothing wrong, there are no dislocations, and there is no reason for the continued TPS status.

Many members of MS-13, which we all know to be a very violent gang, have benefited from the Salvadorian TPS. Unfortunately, under current law, alien gang members who have been granted TPS status generally cannot be returned to their native countries without having first been convicted of a felony or other specific criminal offenses.

It is not enough just to be affiliated with a federally identified gang. It makes absolutely no sense to allow gang members, many of whom are here illegally, to be free from deportation until they have committed another crime. Gang members who are shielded from deportation by TPS are a significant problem.

The exact number of gang members protected by TPS is unknown. But in an April 13, 2005, Immigration Subcommittee hearing, the Department of Homeland Security stated that of the 5,000 gang members detained under Operation Community Shield, approximately 350 had been granted TPS.

That means that, because of TPS, we now know there are 350 gang members who will be back on our streets terrorizing our communities and neighborhoods. We do not know, however, how many gang members who are protected

by TPS we would find if we examined the 800,000 gang members the Department of Justice suggests are currently within our borders, instead of only the 5,000 detained under Operation Community Shield.

As I say, it can be a good program. It can be a good designation. If we use it correctly, it is beneficial. It is interesting also to note that countries like Pakistan that suffered enormous damage, countries all over Southeast Asia that were swamped by the tsunami, they were not granted TPS. Nobody here was granted TPS for those conditions.

It is apparent that this is a political problem that should be settled here. And so I would ask for support of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDI).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. TANCREDI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT EN BLOC OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Chairman, I offer an en bloc amendment.

The CHAIRMAN. The Clerk will designate the amendment en bloc.

The text of the amendment en bloc is as follows:

Amendment en bloc offered by Mr. ROGERS of Kentucky:

At the end of the bill, before the short title, insert the following new sections:

SEC. 536. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

SEC. _____. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I offer these amendments on behalf of Mr. GORDON and Mr. ENGEL. They have been agreed to by both sides. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any other Member seek time on the amendment?

Mr. SABO. Mr. Chairman, I support the amendment.

Mr. GORDON. Mr. Chairman, despite the high cost of energy and existing laws enforce-

ing conservation, Federal agencies still do not give energy efficiency a priority and continually fall short of meeting their requirements.

Our estimates are that the Federal Government wasted almost half a billion dollars in the last two years by not meeting its requirements—or roughly equivalent to 8200 barrels of oil every day—a total of 6 million barrels over the last two years.

This happens because the laws already on the books are not taken seriously enough. The National Energy Conservation Policy Act (NECPA), last year's Energy Bill (EPACT), and a related Executive Order all clearly state that agencies shall meet aggressive but reasonable energy efficiency goals and standards and to prepare reports to the Department of Energy, the Office of Management and Budget, and the Congress and on the agencies' performance. Yet the Federal Regulations that govern new building construction are 17 years out of date and the reports reach the Congress months or years after the data is available.

The amendment I am offering today would increase the incentive for agencies receiving appropriations under the Agriculture Appropriations bill to comply with the law by tying Federal buildings performance to appropriations.

This amendment simply states that none of the funds made available by this Act shall be used in contravention of Federal buildings performance requirements. Therefore, agencies must adhere to existing law when constructing, leasing or refurbishing any building with money appropriated under this act.

These relatively simple steps in designing new buildings in conformance with current law, measuring building performance, and procurement of energy efficient products will contribute to substantial energy savings in the federal sector—lessons that have already been learned outside the Federal Government. Increased energy conservation in the Federal sector means cleaner air, cleaner water, and in a time of soaring energy costs, keeping money in taxpayers pockets.

How can we expect consumers and industry to make sacrifices and commit to energy conservation when the Federal Government fails to make it a priority for itself?

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment en bloc offered by the gentleman from Kentucky (Mr. ROGERS).

The amendment en bloc was agreed to.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIERNEY:

At the end of the bill (before the short title) add the following:

SEC. _____. None of the funds made available by this Act may be used for the approval of any application for a deepwater port for natural gas with respect to which Massachusetts is designated as an adjacent coastal State under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) until the Commandant of the Coast Guard—

(1) receives from the appropriate Federal agencies and submits to Congress a report

assessing New England's documented energy needs and proposing a regional strategy for approving natural gas facilities based on such documented needs; and

(2) conducts, completes, and submits to Congress a report on a study of the anticipated costs of providing security for proposed deepwater ports in New England.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, this amendment seeks to spur a rational process for the siting of liquefied natural gas facilities in the northeast region. That region does need additional energy sources. That is not in dispute. But our homes and businesses depend on an adequate supply.

The CHAIRMAN. The gentleman will suspend.

Mr. ROGERS of Kentucky. Mr. Chairman, I didn't hear the Clerk designate the amendment. I would like to reserve a point of order.

The CHAIRMAN. The gentleman was on his feet.

A point of order is reserved.

The gentleman from Massachusetts may proceed.

Mr. TIERNEY. Mr. Chairman, I regret that the point of order was raised. As I was mentioning, the purpose is for spurring a rational process for siting liquid natural gas facilities in the northeast region.

That the region needs additional energy resources is not in dispute. Our homes and our businesses depend on adequate supplies to maintain our quality of life, but our quality of life also depends on having a rational process for determining how many facilities are reasonably needed in the region and where any new facilities will locate.

Current policy only calls for evaluation and approval of new liquid natural gas facilities as they are proposed, independent of all other applications and without any regulation concern for overcapacity or overbuilding in any particular area.

Important fishing, shipping, security and conservation interests are impacted by the sitings, particularly by multiple sitings. Yet the current law does not account for this. Already there are two proposals in one area known as block 125 off the Massachusetts coast.

There are a total of 16 proposals that could be built along the northeast area. Those are all pending.

□ 2115

Some people just say that the marketplace will sort it out, but in fact it is the responsibility of public policy officials to provide for a much more rational approach.

Past energy construction situations that operated on the premises that the market would sort it out, for instance, that some applicants would eventually

blink and not continue with their building, have proved out not to be true. Overcapacity and the attendant problems resulted from that.

We can prevent an arbitrary intrusion into some of our Nation's most productive fishing grounds if we can prevent the unnecessary degradation of valuable ocean treasures. We can present the potential navigational problems and the possible excessive security costs if we plan, if we get it right, if we forego this ad hoc approach. In the end if we follow a rational and regional siting process, it will expedite the introduction of new energy in the area. Public support will be much more likely. Litigation will be less likely. And legislative intervention or administrative interruption may be obviated.

Finally, Mr. Chairman, there are significant security concerns and risks that are associated with liquid natural gas offshore sites. The Coast Guard has informed us that no comprehensive assessment of security costs for LNG deep-water ports has been conducted. So what will it cost to protect one? What will it cost to protect 16? What will it cost to protect the related ships and crews, and who is going to pay or reimburse the taxpayers for all of this protection on the for-profit enterprise?

Companies indicate that they have not ever been approached about this, nor have they broached the subject. It is our duty as policymakers to address these issues to ensure that the right facilities are built as they are needed, that precious resources are reasonably protected, and that the cost of security be known and properly assessed.

Mr. Chairman, I hope that the point of order is not sustained so we can have these proper assessments of New England's energy needs and siting demands; and that we can also evaluate and apportion the cost of securing LNG facilities that are operating.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky insist on his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI which states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment imposes additional duties and, therefore, violates the rule. I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment requires new duties. The amendment, therefore, constitutes legislation in violation of clause 2 of XXI.

The point of order is sustained. The amendment is not in order.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Thank you, Mr. Chairman.

Mr. Chairman, expedited removal is an important tool which should be used on all illegal aliens, and that is why I am proposing in my legislation H.R. 5457, to overturn something known as the Orantes injunction. I cannot offer that as an amendment to this bill. It would be legislating on an appropriations bill, but I would like to briefly explain the injunction.

In 1988 in the midst of a 12-year civil war, the Federal District Court of Los Angeles issued an injunction which prohibited Salvadorans from being deported without a hearing before an immigration judge. This injunction is known as the Orantes injunction.

The civil war on El Salvador has long since ended; however, the Orantes injunction issued nearly 20 years ago has not been overturned and remains the practice today. Expansion of expedited removal has resulted in significant declines in the amount of apprehensions of other nationalities. However, due to the special treatment afforded to Salvadorans, their apprehensions have continued to rise.

This injunction is no longer warranted. El Salvador has been a country at peace since 1992. Under current expedited removal process, aliens are not automatically entitled to such a hearing and are immediately placed in the removal proceedings. In 2005, over 39,000 Salvadorans were apprehended, and current estimates suggest out of every one caught, four to five Salvadoran illegals penetrate our borders.

Mr. TANCREDO referred to the terrible problem with the MS-13 gangs, which are basically the Salvadoran gangs. It is a serious problem. Secretary Chertoff, the Homeland Security Secretary, has voiced his concern over this practice and he has indicated, "We have one big step left in order to complete this job and that is to get rid of a 20-year court order that is hampering our ability to use expedited removal with respect to people from El Salvador."

The Department of Homeland Security is subject to a number of such court-ordered permanent injunctions beyond Orantes issued in immigration cases as long as 30 years ago, and these long-standing injunctions severely impact the enforcement of the immigration laws.

My colleague, Representative BONILLA, is also sponsoring legislation that deals with these various injunctions, including Orantes, and his legislation should be supported as well.

AMENDMENT OFFERED BY MR. PICKERING

Mr. PICKERING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PICKERING:

Page 62, after line 17, insert the following: SEC. 503. None of the funds made available in this 2 Act may be used to award any contract for major disaster or emergency assistance activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act except in accordance with section 307 of such Act (42 U.S.C. 5150).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Mississippi (Mr. PICKERING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. PICKERING. Mr. Chairman, I will be very brief.

This amendment simply makes sure that the local companies and local communities in hurricane regions will lead the way in the preparation, clean-up, recovery and building for the next storm season.

I want to thank the chairman for working with me on this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The gentleman has offered a very good amendment. It is a needed improvement, and I congratulate and thank the gentleman for being thoughtful and helpful in this regard.

Mr. PICKERING. Thank you, Mr. Chairman.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from Minnesota.

Mr. SABO. I concur in the chairman's comments. You have a good amendment, and I am glad to support it.

Mr. PICKERING. Thank you, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. PICKERING).

The amendment was agreed to.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KUH of New York) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. HASTINGS of Washington. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 418) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows: